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 California, Real Party in Interest*

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

RONALD LEE BELL,

Petitioner,

v.

KEVIN CHAPPELL, Warden of San Quentin
 State Prison

Respondent.

C-99-20615-RMW

DEATH PENALTY CASE

NOTICE OF FORTHCOMING FILING

Hearing: None

PLEASE TAKE NOTICE that, on or after October 30, 2012, the state will comply with the Court's order of September 28, 2012 directing that respondent "file a report on petitioner's condition." Doc. 216 at 5. The document to be filed consists of medical progress notes dated September 6, 2012, which describe petitioner's condition and outline a plan for his treatment. The document will be filed as directed, rather than lodged under Civil L.R. 79-5(b), because it does not qualify as properly "sealable" within the meaning of Rule 79-5(a).

Transparency of judicial proceedings is a "bulwark[]" of our free and democratic government: public access to court proceedings is one of the numerous 'checks and balances' of our system, because 'contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power.'" *Richmond Newspapers, Inc. v. Virginia*, 448 U.S.

555, 592 (1980) (Brennan, J., concurring) (quoting *In re Oliver*, 333 U.S. 257, 270 (1948)); *see also Cowley v. Pulsifer*, 137 Mass. 392, (1884) (“[I]t is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed”). Moreover, the fact that petitioner suffers from “mental deterioration” attributable to “severe dementia” Doc. 216 at 3—his most sensitive or potentially embarrassing condition, and the only one of any conceivable relevance to these proceedings, *see In re Gonzales*, 623 F.3d 1242 (9th Cir. 2010), cert. granted on Mar. 29, 2012 (No. 10-930)—is already a matter of public record. *See also* Doc. 210-1 at 10-11, 14-15.

Should petitioner, on or before October 29, 2012, move this Court to require that the filing ordered on September 28, 2012 be made under seal, the state will oppose the motion and shall refrain from making the ordered filing until the Court disposes of such motion. Otherwise, the state’s filing, as described in this notification, will be made in accordance with the September 28 order.

Dated: October 23, 2012

Respectfully submitted,

KAMALA D. HARRIS
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DANE R. GILLETTE
Chief Assistant Attorney General

/s/ Ronald S. Matthias
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CERTIFICATE OF SERVICE

Case Name: Ronald Lee Bell v. Kevin Chappell No. C 99-20615 RMW

I hereby certify that on October 23, 2012, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

NOTICE OF FORTHCOMING FILING

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 23, 2012, at San Francisco, California.

Nelly Guerrero
Declarant

/s/ Nelly Guerrero
Signature